

June 23, 2004
to LBC Staff
State of Alaska

FAX to: 1-907-269-4539

To:
Comments to the Local Boundary
Commission, State of Alaska
Regarding Remand:

In the Superior Court for the State of
Third Judicial District at Anchorage, Alaska
On Remand to Discuss Effect on KESA
Of Homer Annexation of 4.58 Square Miles

From:

Alaskans Opposed To Annexation,
et. al.

vs,

State of Alaska Local Boundary
Commission, Appellee.

Consolidated Case No. 3AN-02-4626 CT

Consolidated with
Kachemak Area Coalition Inc.
D/B/A Citizens Concerned
about Annexation,
vs, Appellee.

State of Alaska Local
Boundary Commission,
Appellee.

RECEIVED

JUN 24 2004

Local Boundary Commission

Page One

Note: Some relevant
Figures from Kenai Peninsula Borough Clerk's
Office

	KESA - as originally approved w/o Miller Landing	Miller Landing
Population - 1/1/02	**By interpolation - 4,074	69 as of 6/1/2001
Area - 1/1/02	*139,476.5 acres	*161.65 acres
Tax Assessed Values - 1/1/02	\$242,226,600	\$61,782,940

* - Per KPB Ordinance 2001-48

** - KESA population -
2000 actual - 4,013
interpolated - 4,074
2004 estimated - 4,134

*** Per the Local Boundary
Commission

Note:
Some relevant
Figures from Kenai Peninsula Borough Clerk's
Office

Homer Annexation Area
***2,204 as of 3/20/2000
2,767 Acres
\$76,395,600



Kenai Peninsula Borough
Mayor's Office
144 North Binkley Street
Soldotna, AK 99669
Phone: (907) 262-4441, ext 201
Fax: (907) 262-8616

FAX TRANSMITTAL COVER SHEET

Date: 5/25/04

To: Doris

Fax: 235-1311

Re: KES

Sender: Ed Oberts

YOU SHOULD RECEIVE 3 PAGE(S), INCLUDING THIS COVER SHEET. IF YOU DO NOT
RECEIVE ALL THE PAGES, PLEASE CALL: 262-4441 EXT. 201

Borough Clerk Certified petition MAY 1, 2000
Assembly adopted Ord 2000-29 on 8/15/00
creating the Service Area subject to voter
approval.
10/00 Voters approved New Service Area

I have not found the date of the First Large
meeting at Kachemak City Hall.

Ed Oberts

Introduced by: Mayor
Date: 07/18/00
Hearings: 08/01/00 08/15/00
Action: Amended and Postponed until 08/15/00
Action: Enacted as Amended
Date: 08/15/00
Vote: 8 Yes, 0 No, 1 Absent

KENAI PENINSULA BOROUGH**ORDINANCE 2000-29****AN ORDINANCE ESTABLISHING THE GREATER KACHEMAK VOLUNTEER FIRE AND EMERGENCY MEDICAL SERVICE AREA AND PROVIDING FOR AN ELECTED BOARD**

WHEREAS, more than 15 percent of the eligible voters who voted in the last regular borough election and within the area comprising the proposed Greater Kachemak Volunteer Fire and Emergency Medical Service Area have by petition requested the establishment of a fire and emergency medical service area district in the area described by the petition; and

WHEREAS, the proposed service area population has increased due to the growth and development in recent years creating an increased need for fire and emergency medical services; and

WHEREAS, the spruce bark beetle infestation has created an even greater fire hazard and adherent need for emergency service within the proposed service area; and

WHEREAS, the fire and emergency medical services in the proposed service area have been historically provided by the Homer Volunteer Fire Department, now known as the Homer Fire Department since 1991, City of Homer; and

WHEREAS, the proposed Greater Kachemak Volunteer Fire and Emergency Medical Service Area is to provide additional resources to meet the needs of the residents of the service area; and

WHEREAS, due to the size of the proposed service area, such services cannot be provided more efficiently or effectively by an existing service area, by annexation to a city, or by incorporation as a city;

WHEREAS, although the service area may eventually employ personnel, it is intended that most services will be provided by volunteer.

NOW, THEREFORE, BE IT ORDAINED BY THE ASSEMBLY OF THE KENAI PENINSULA BOROUGH:

SECTION 1. Title 16 of the Kenai Peninsula Borough Code of Ordinances is amended by adding a new chapter 16.20, which shall read as follows:

Chapter 16.20. GREATER KACHEMAK VOLUNTEER FIRE AND EMERGENCY

<http://www.borough.kenai.ak.us/assemblyclerk/Assembly/Ordinances/2000/O2000-29.htm> 5/24/2004

To: William Popp, Assembly President

Members of the Kenai Peninsula Borough Assembly

Thru: Dale Bagley, Borough Mayor

From: Ed Oberts, Assistant to Mayor Bagley

Date: July 10, 2000

Ordinance 2000-29 creating the proposed service area is in response to the citizen's petition that the Borough Clerks office certified on May 1, 2000. The petition contained 216 valid signatures representing 29.5% of the voter turnout in the October 1999 Kenai Peninsula Borough Regular Election.

The mayor's report to the assembly on the proposed service area was then prepared and submitted to the assembly at the June 6th meeting. The mayors report on the proposed service area outlined the options to the assembly and indicated creating a new service area subject to voter approval would follow the general philosophy which has governed the formation of service areas throughout the borough.

On June 28, 2000 the assembly conducted a public hearing on the proposed service area as required by borough code under the petition method of forming new service areas. The public testimony indicated continued support for forming the service area with a 1 to 2 mill tax rate. Discussions included the boundaries of the service area and how to provide services including possibly working with the City of Homer Fire Department.

Based on the public testimony the petition sponsors with the assistance of the mayor's office and the borough finance department intend to provide financial information at the July 18th assembly meeting.

The ordinance for introduction uses the boundaries as submitted with the petition and includes a maximum mill rate of 1.75 Mills. The ordinance requires the elected board to submit a plan for approval to assembly on how services will be provided in the service area in addition to the budget.

The ordinance creates the service area subject to voter approval and authorizes a special by mail election asking for voter approval to exercise the powers and simultaneously elect the service area board. Current borough code requires the simultaneous election for both the service area powers and the service area board members.

AGENDA
For informal meeting

TIME: March 3, 2000 Friday evening at 7:00 p.m.

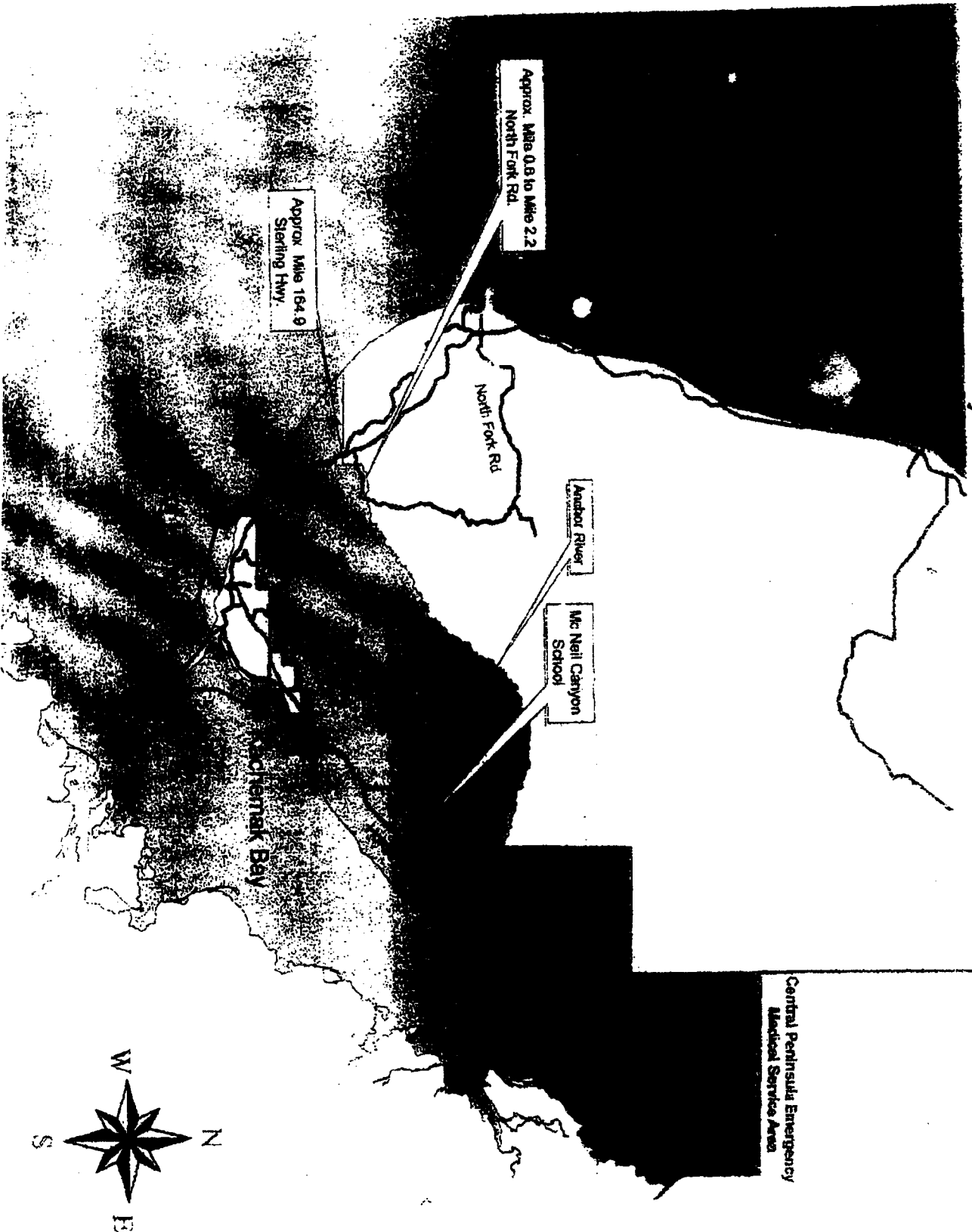
LOCATION: Kachemak Community Center located at Homer
East End Road and Bear Creek Drive

1. Introduction of Guest Speaker: Ed Obert's Assistant to Kenai
Peninsula Borough Mayor Dale Bagley
2. Presentation of Information on Formation of Borough Fire
Service Areas
 - A. Purpose of Borough Fire Service Areas
 - B. How they are formed
 - C. What they cost
3. Questions and Discussion
4. Proposed Annexation by the City of Homer
 - A. Public Comments on the Subject
 - B. Petition to Oppose Annexation
 - C. Petition in Favor of Forming a Borough Fire Service Area

Both petitions will be available on the back table for people to
sign after Mr. Obert's presentation.

Meeting will be conducted by Dr. Vi Jerrel, Ph.D. and will be
videotaped by Channel 11 News Anchorage.

Proposed Greater Kachemak Fire & Emergency Medical Service Area
(Proposed service area does not include
City of Homer or Kachemak City)



Note:
(Information for you including map.)

Re: [redacted] from Mayor's Office to:

Clerk _____
 Assembly _____
 Legal _____
 Finance _____
 Auditing _____
 Planning _____
 Other _____

Date: 6/28/00 *Ed*
Bornick

KENAI PENINSULA BOROUGH ASSEMBLY
Notice of Public Hearing for the Proposed Greater Kachemak
Fire and Emergency Medical Service Area
June 28, 2000 - 7:00 PM

Notice is hereby given that the Kenai Peninsula Borough Assembly will conduct a public hearing on June 28, 2000 to hear testimony on the necessity for the proposed Greater Kachemak Fire and Emergency Medical Service Area. The proposed service area boundary would encompass the existing 911 Emergency Service Number area on the southern Kenai Peninsula outside of the cities of Homer and Kachemak City. The northern boundary would adjoin the southern edge of the Anchor Point Fire and Emergency Medical Service Area, then extend along the Anchor River with the northernmost boundary adjoining the southern edge of the Central Peninsula Emergency Medical Service (CPEMS) area.

The public meeting will begin at 7:00 p.m., and will be conducted in the Kachemak Community Center in Kachemak City. All interested persons are invited to attend the meeting and participate in the public discussion. Written comments may be sent to the Assembly, c/o Borough Clerk, 144 N. Binkley St. Sitka, Alaska 99869.

Linda S. Murphy
 Linda S. Murphy CNCA-AB
 Borough Clerk

Posted

VI Jerrel

235-2281

Ed Orients

2000 JUN 28 10:203



Frank H. Murkowski, Governor

550 W. 7th Avenue, Suite 1770, Anchorage, AK 99501-3510

Telephone: (907) 269-4501 • Fax: (907) 269-4539 • Text Telephone: (907) 465-5437

Email: questions@dced.state.ak.us • Website: www.dced.state.ak.us/cbd/

May 21, 2004

Vi Jerrel, Ph.D.
P.O. Box 938
Homer, AK 99603

Dear Dr. Jerrel:

The Local Boundary Commission met this week to address preliminary matters regarding the superior court remand of the amended City of Homer annexation petition. During the meeting, the Commission formally established procedures to be used in the remand and defined limits of evidence and information that the Commission will consider in the matter.

As noted in the enclosed *Order Relating to Procedures for Consideration of the Amended City of Homer Annexation Petition upon Remand*, the Commission's review will be limited to a narrow issue involving the Kenai Peninsula Borough Kachemak Emergency Service Area (KESA). More specifically, the Commission's order states that the review will be restricted to "KESA and the effect on KESA of the annexation of 4.58 square miles to the City of Homer based on evidence dated or events occurring on or before January 17, 2002 (the date on which the Commission denied requests for reconsideration of its December 26, 2001, decision)."

The Commission directed staff to provide the City of Homer, respondents in the original annexation proceeding, and the legal counsel for parties involved in the appeal to superior court with the following enclosed materials:

- *Notice of Opportunity to Comment Regarding KESA and Homer Annexation Remand*;
- the record on appeal to the superior court in electronic format (Adobe Acrobat pdf on CD);
- "Order on Appeal of Local Boundary Commission Decision," *Kachemak Area Coalition v. City of Homer*, 3 AN-02-0426 CI (Alaska December 4, 2003), in electronic format (Adobe Acrobat pdf on CD); and
- *Order Relating to Procedures for Consideration of the Amended City of Homer Annexation Petition upon Remand* (with attachments).

As a courtesy to facilitate review of the extensive record, I am also providing an index listing pages where the terms "KESA" and "emergency service area" appear in the enclosed record on appeal. The deadline for the receipt of comments in this office is 4:30 p.m., June 24, 2004. Any comments you choose to offer regarding KESA and the effect on KESA of the annexation of 4.58 square miles to the City of Homer based on evidence dated or events occurring on or before January 17, 2002, will be appreciated.

Cordially,

A handwritten signature in cursive script that reads "Dan Bockhorst".

Dan Bockhorst
Local Boundary Commission Staff

Enclosures (5): As stated



NOTICE OF OPPORTUNITY TO COMMENT REGARDING KESA AND HOMER ANNEXATION REMAND

STATE OF ALASKA LOCAL BOUNDARY COMMISSION

Upon remand by the superior court, the Local Boundary Commission will discuss the Kachemak Emergency Service Area (KESA) and effect on KESA of the 4.58 square mile annexation to the City of Homer that occurred March 20, 2002. The court indicated that such discussion is warranted to ensure that annexation was in the best interests of the State.

An interested person or entity may file written comments with the Commission concerning this issue. **Written comments based on evidence dated or events occurring after January 17, 2002 (the date on which the Commission denied requests for reconsideration of its December 26, 2001, decision), will be rejected.** The provisions of 3 AAC 110.500 prohibiting ex parte contact with the Commission apply to this remand proceeding.

A printed copy of the original petition materials is available for review at the office of the Homer City Clerk, 491 East Pioneer Avenue, Homer (telephone: 235-3130). Copies of the record in electronic format (Adobe Acrobat pdf on CD) have been provided to each of the respondents in the original proceeding. Multiple CDs of the record have also been provided to the Homer Public Library and the Homer City Clerk for use by the public. CDs are also available upon request from Commission staff.

To be considered, **written comments must be received in the office below by 4:30 p.m., Thursday, June 24, 2004:**

Local Boundary Commission Staff
550 West Seventh Avenue, Suite 1770
Anchorage, AK 99501-3510

Fax: 907-269-4539
Email: LBC@dced.state.ak.us

Further information about this matter, including details regarding the procedures to be used by the Commission is posted on the Commission's Web site at <http://www.dced.state.ak.us/dca/lbc/lbc.htm> under "Homer Annexation Remand" which is listed in the "Quick Links" directory. Inquiries may also be directed to Commission staff by telephone at (907) 269-4559.



**REQUEST FOR PSA REGARDING OPPORTUNITY TO
COMMENT REGARDING EFFECT ON KESA OF 4.58
SQUARE MILE HOMER ANNEXATION**

**PLEASE BROADCAST FOR 14 DAYS
FOLLOWING RECEIPT OF THIS REQUEST**

**STATE OF ALASKA
LOCAL BOUNDARY COMMISSION**

The superior court has directed the Local Boundary Commission to discuss the effect on the Kachemak Emergency Service Area (KESA) of the 4.58 square mile annexation to the City of Homer that occurred March 20, 2002. The court indicated that such discussion is warranted to ensure that annexation was in the best interests of the State.

The Commission is accepting written comments concerning this issue. Comments must be based on the record before the Commission in the original proceeding.

A printed copy of the original petition materials is available for review at the office of the Homer City Clerk, 491 East Pioneer Avenue, Homer (telephone: 235-3130). The record is also available for review in electronic format (Adobe Acrobat pdf on CD) through the Homer Public Library and the Homer City Clerk. CDs are also available upon request from Commission staff.

Written comments must be received by the Commission no later than 4:30 p.m., Thursday, June 24, 2004.

Further information about this matter, including details regarding the procedures to be used by the Commission is posted on the Commission's Web site. Inquiries may also be directed to Commission staff by telephone at (907) 269-4559.